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OFFICE OF PETITIONS

In re Application of	:	
Krikor Kouyoumdjian	:	
Application No. 09/808,291	:	ON PETITION
Filed: March 14, 2001	:	
Attorney Docket No. 00998/1H043-US1	:	

This is a decision on the petition under 37 CFR 1.137(b) filed January 21, 2005, which is being treated as a petition under 37 CFR 1.181 to withdraw the holding of abandonment. The Office regrets the delay in responding to the instant petition.

The above application became abandoned for failure to timely respond to the final Office action mailed January 21, 2004. The Office action set a three (3) month period for reply, and provided for extensions of time under 37 CFR 1.136(a). Since no reply was received, the application was held abandoned and a Notice of Abandonment was mailed on October 26, 2004.

Petitioner avers that a response was timely filed on June 21, 2004. In support, petitioner provides a copy of an Amendment, the Notice of Appeal, petition for a two (2) month extension of time and a copy of the stamped postcard receipt by the USPTO, which itemizes the above listed items on June 21, 2004. It is also noted that petitioner supplied a copy of the Certificate of Express Mailing under 37 CFR 1.10 dated June 21, 2004, which identifies a petition for two (2) month extension of time, a Fee Transmittal sheet, an Amendment in response to final Office action, an Amendment Transmittal, a conditional Notice of Appeal, a check in the amount of \$210, a Certificate of Express Mailing and a return postcard.

"A postcard receipt which itemizes and properly identifies the items which are being filed serves as *prima facie* evidence of receipt in the USPTO of all the items listed thereon on the date stamped thereon by the USPTO." See MPEP 503.

In view of the above, the petition is **granted** and the abandonment is hereby withdrawn. No petition fee is due for the instant petition and none has been charged.

The two-month period for filing an Appeal Brief under 37 CFR 41.37 (accompanied by the fee required by 37 CFR 41.20(b)(2)), runs from the date of this decision.

A review of the record fails to indicate that a change of address has been submitted. Since the address given on the petition differs from the address of record, a courtesy copy of this decision is being mailed to the address on the petition. If appropriate, a change of address should be filed in accordance with MPEP 601.03. All future correspondence regarding this application will be directed solely to the address of record until otherwise instructed.

This application file is being referred to Technology Center Art Unit 3721, to await the filing of an Appeal Brief.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.



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